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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee(s): Anthony J. Baerlocher, et al.
Patent No.: 6,942,567
Filed: September 13, 2005
Title: GAMING DEVICE HAVING AN OFFER AND ACCEPTANCE GAME WITH
A PLAYER SELECTION FEATURE
Docket No.: 0112300-747

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter in duplicate (2 pgs.);
2. Application for Patent Term Adjustment (2 pgs.);
3. A check in the amount of \$200.00;
4. Certificate of Mailing by Express Mail (1 pg.); and
5. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as

Express Mail in an envelope addressed to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on November 11, 2005.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

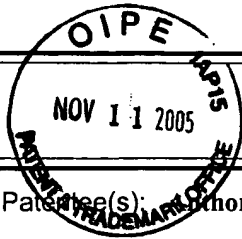
Heather Foster

Name of Person Mailing Correspondence


Signature

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TRANSMITTAL LETTER
(General - Patent Issued)

Docket No.
0112300-747

Patentee(s): Anthony J. Baerlocher et al.

U.S. Patent No.

6,942,567

Issue Date

September 13, 2005

Title: **GAMING DEVICE HAVING AN OFFER AND ACCEPTANCE GAME WITH A PLAYER SELECTION FEATURE**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

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5. Postcard to be date stamped and returned.

- ☐ No additional fee is required.
- ☒ A check in the amount of \$200.00 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Dated: November 11, 2005

Adam H. Masia
Reg. No. 35,602
Customer No. 29159

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

November 11, 2005

(Date)

Customer No.:

CC:

Signature of Person Mailing Correspondence

Heather Foster

Typed or Printed Name of Person Mailing Correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Baerlocher, et al.
Patent No.: 6,942,567
Issued: September 13, 2005
Title: GAMING DEVICE HAVING AN OFFER AND ACCEPTANCE GAME WITH
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Commissioner for Patents
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Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)

Sir:

Applicants hereby Request Reconsideration of the Patent Term Adjustment ("PTA") for U.S. Patent No. 6,942,567. This Request is being filed in response to the PTA which was listed on the face of the above-identified U.S. patent. Applicants have reviewed the PTA set forth (191 days) by the Patent Office and hereby request that this determination be adjusted to 311 days.

The Determination of Patent Term Adjustment included with the Notice of Allowance set forth a PTA of 259 days. However, the above-identified patent reflects a PTA of 191 days. Applicants respectfully submit that this determination is not correct for the reasons set forth below.

After issuance of the Notice of Allowance, two adjustments were made to the PTA for the above-identified patent. First, the Patent Office determined that a 52 day adjustment should be made based on the USPTO delay in issuing the patent within four months of payment of the issue fee. The issue fee was paid on March 23, 2005 and the patent issued on September 13, 2005 which is 52 days past the 4 month date. Therefore, 52 days were added to the patent term. Applicants agree with this determination.

Second, the Patent Office determined that 120 days should be subtracted from the above adjustment due to delay by the applicant in filing drawings. According to PTO records on the PAIR system, drawings were "finished" on March 23, 2005. However, drawings were not filed

with the issue fee payment because they were previously filed with the application on February 27, 2002. Therefore, Applicants do not agree with this determination. Therefore, 120 days should be added to the PTA for a total of 311 days.

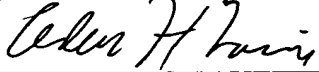
Applicants note that 37 CFR § 1.705(d) sets forth a due date of 60 days to file a Request for Reconsideration of the Patent Term Adjustment indicated in a patent. Therefore, Applicants respectfully request reconsideration of the PTA calculations for U.S. Patent No. 6,942,567.

Applicants also note that this patent is not subject to a terminal disclaimer and there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application.

Pursuant to 37 CFR § 1.705(b)(1), a check in the amount of \$200 is enclosed. To the extent that any additional fees are due and owing for this Application, the Commissioner is hereby authorized to charge them to Applicants' undersigned attorney's Deposit Account, 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Adam H. Masia
Reg. No. 35,602
Customer No. 29159

Dated: November 11, 2005